

**SMART & BIGGAR**

*Intellectual Property & Technology Law*

438 University Avenue  
Suite 1500, Box 111  
Toronto, Ontario Canada M5G 2K8  
Tel. (416) 593-5514 Fax (416) 591-1690  
www.smart-biggar.ca

Ronald D. Faggetter  
rdfaggetter@smart-biggar.ca

**Our Ref: 92835-1**

February 3, 2003

**BY FACSIMILE TRANSMISSION**

(To: 703-872-9708)

Commissioner for Patents  
Washington, D.C. 20231  
U.S.A.

Attention: S. Purvis, Examiner

Dear Ms. Purvis:

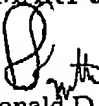
Re: United States Patent Application No. 09/883,244  
Art Unit: 1734  
Filing Date: June 19, 2001  
Applicants: Peter C. Nielsen and Joseph Z. Sleiman  
Title: LABELLING APPARATUS AND METHOD

During our telephone conversation of January 28, 2003, you advised that it appears the U.S. PTO did not receive our Preliminary Amendment submitted December 24, 2002. Accordingly, as requested, we are transmitting a signed duplicate copy of this Preliminary Amendment for entry in this application.

We had also filed an Information Disclosure Statement at the same time as the Preliminary Amendment. As it may be that you have also not received this, I am taking the liberty of transmitting a duplicate copy of same.

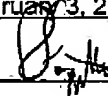
Yours very truly,

SMART & BIGGAR

  
Ronald D. Faggetter  
Registration No.33,345

RDF:bw  
Encl.

TORONTO MONTREAL OTTAWA EDMONTON VANCOUVER

|   |
|---|
| <p align="center"><b>Certificate of Transmission</b></p> <p>I hereby certify that this correspondence is being facsimile transmitted to the Patent and Trademark Office Fax No. <u>(703) 872-9708</u> on <u>February 3, 2003</u></p> <p>Signature <u></u></p> <p align="center"><u>Ronald D. Faggetter</u><br/><small>Typed or printed name of person signing this certificate</small></p> |
|---|

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

#8  
TL 3/6/03

In re the application of:

Peter C. Nielsen et al.

Serial No.: 09/883,244

Filed: June 19, 2001

For: LABELLING APPARATUS AND  
METHOD

Group Art Unit: 1734

Examiner: Sue A. Purvis

Attorney Docket: 92835-1

Commissioner for Patents  
Washington, D.C. 20231  
U.S.A.

| Certificate of Transmission  |  |
|--|--|
| I hereby certify that this correspondence is being facsimile transmitted to the Patent and Trademark Office Fax No. (703) 872-9310 |  |
| on <u>March 4, 2003</u>  |  |
| Signature <u>[Signature]</u>   |  |
| Ronald D. Faggetter  |  |
| Typed or printed name of person signing this certificate   |  |

Dear Sir:

PTO Customer No. 22463

RESPONSE TO RESTRICTION REQUIREMENT

Responsive to the restriction requirement of February, 7 2003, Applicant hereby elects the Group I claims – claims 2 to 18 and 24 to 30 – for continued prosecution in this application, with traverse.

The office action suggests that, in respect of the distinct inventions of Group I, Group II, and Group III “the search required for Group I is not required for Group I or III”. However, MPEP 808.02 also requires that a separate field of search is required. It is suggested that it would be necessary to search the claims of any of Groups I, II, or III in all of the classes/subclasses listed at the top of page 2 of the Action to fully search any of these groups of claims. In consequence, it is suggested that a *prima facie* showing of the need for restriction of the claims

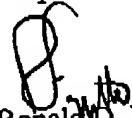
FAX RECEIVED  
MAR 05 2003  
GROUP 1700

Serial No. 09/883,244  
Group Art Unit: 1734

- Page 2 -

in Groups I, II and III has not be established. Accordingly, reconsideration and withdrawal of the restrictions requirement is requested.

Respectfully submitted,

  
Ronald D. Faggetter  
Registration No. 33,345

SMART & BIGGAR  
438 University Avenue  
Suite 1500, Box 111  
Toronto, Ontario  
Canada M5G 2K8  
Telephone: (416) 593-5514  
Facsimile: (416) 591-1690

March 4, 2003

92835-1 RDF:bw